

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TERRY L. NEMEC,

Plaintiff,

Case No. 21-CV-00256

v.

UNITED STATES OF AMERICA,

Defendant.

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**STIPULATION FOR AN ORDER EXTENDING THE DISCOVERY PERIODS**

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The plaintiff, Terry L. Nemec, by his attorney, Kevin R. Martin, and the defendant, the United States of America, by its attorneys, Richard G. Frohling, United States Attorney for the Eastern District of Wisconsin, and Charles A. Guadagnino, Assistant United States Attorney for said district, hereby stipulate to the issuance of order extending the periods for discovery in this action as follows:

- a. All non-expert discovery is to be completed by May 18, 2022;
  - b. The plaintiff's expert disclosures are to be made by March 9, 2022;
  - c. The defendant's expert disclosures are to be made by May 11, 2022; and
  - d. All expert discovery is to be completed by July 11, 2022.
1. By a stipulation filed December 6, 2021, the plaintiff and the defendant requested an order providing for the following changes to the discovery schedule in this action: 1) leave for the parties to take as many as 25 depositions; and 2) extension of the discovery periods as follows:
- a) All non-expert discovery to be completed no later than April 18, 2022;
  - b) The plaintiff's disclosure of all expert witnesses no later than February 9, 2022;

- c) The defendant's disclosure of all expert witnesses no later than April 11, 2022;  
and
  - d) Rescheduling of the May 2, 2022 telephonic status conference with the Court.
2. The stipulation noted that it was based upon the following:
- a. there are a large number of individuals, including respiratory therapists and/or registered nurses, who may have relevant information about the endotracheal tube treatment the plaintiff received during a relevant 12-day period, as well as those who may have relevant information for dates after that 12-day period; and
  - b. leave to each take as many as 25 depositions in this action was warranted.
3. The stipulation also noted that based upon the large amount of additional discovery that might be pursued, as well as information that resulted from that discovery, it was appropriate to extend the then-existing discovery deadlines for an approximate 60-day period.
4. By an order dated December 8, 2021, the Court approved the stipulation. Specifically, the Court granted each party leave to conduct up to 25 depositions and amended the discovery scheduling order as follows:
- a. The plaintiff's and defendant's expert disclosures are to respectively be made by February 9, 2022 and April 18, 2022; and
  - b. All non-expert is to be completed by April 18, 2022; and
  - c. All discovery is to be completed by June 10, 2022.
5. Following the Court's order, the parties have diligently pursued scheduling and conducting that additional discovery, including conducting approximately 10 depositions.

6. However, there are additional witnesses who the parties still wish to depose, and despite best efforts on the parts of the parties there have been difficulties in scheduling those for a variety of reason, including the professional and personal schedules of counsel, and because some of the witnesses are no longer employed by the defendant and appear to reside in other states.
7. Accordingly, the plaintiff and the defendant respectfully stipulate to an order amending the discovery schedule as follows:
  - a. All non-expert discovery is to be completed by May 18, 2022;
  - b. The plaintiff expert disclosures are to be made by March 9, 2022;
  - c. The defendant's expert disclosures are to be made by May 11, 2022; and
  - d. All expert discovery is to be completed by July 11, 2022.

Dated at Milwaukee Wisconsin, this 2<sup>nd</sup> day of February, 2022.

Respectfully submitted,

RICHARD G. FROHLING  
United States Attorney

By: /s Charles A. Guadagnino  
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Dated at Milwaukee Wisconsin, this 2<sup>nd</sup> day of February, 2022.

Respectfully submitted,

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